

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BRANDON DONYA HUGHES,	§	
TDCJ No. 2020195,	§	
Petitioner,	§	
	§	
v.	§	CIVIL NO. 3:18-CV-02741-C(BT)
	§	
LORIE DAVIS, Director,	§	
Texas Department of Criminal	§	
Justice, Correctional Institutions	§	
Division,	§	
Respondent.	§	

**RESPONDENT'S OBJECTION, IN PART, TO THE PETITIONER'S
MOTION TO SUPPLEMENT THE RECORD**

The Petitioner has filed a motion to supplement the record with a DVD of records that was presented to the state habeas court during a live evidentiary hearing. The record of the habeas hearing reflects that the DVD was offered by Petitioner but not admitted. However, the state trial court referenced some of the records in its findings of fact and conclusions of law. And as explained by Petitioner, it is no longer possible to determine if the DVD was forward to the Texas Court of Criminal Appeals.

As a result, the Director does not oppose the motion to expand the record with respect to those documents on the DVD that were explicitly referenced, or relied upon, by either Nurse Lovvorn in her testimony at the state habeas hearing, or the state habeas trial court in its findings of fact. The Director *does* object to the motion to expand the record to include any documents on the DVD that do not meet the exceptions in the previous

sentence, pursuant to 28 U.S.C. § 2254(d)(2) & (e)(2). Furthermore, the Director does not stipulate to the authenticity of the records, concede that the information contained within the records is true, or admit that the records would have been admissible at trial.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

JEFFREY C. MATEER
First Assistant Attorney General

ADRIENNE McFARLAND
Deputy Attorney General
for Criminal Justice

EDWARD L. MARSHALL
Chief, Criminal Appeals Division

*Lead Counsel

s/ Jessica Manojlovich
JESSICA MANOJLOVICH*
Assistant Attorney General
State Bar No. 24055632

P. O. Box 12548, Capitol Station
Austin, Texas 78711
(512) 936-1400
(512) 936-1280 (FAX)

ATTORNEYS FOR RESPONDENT

CERTIFICATE OF CONFERENCE

I do hereby certify that pursuant to email communication with counsel for petitioner, this motion is unopposed.

s/ Jessica Manojlovich
JESSICA MANOJLOVICH
Assistant Attorney General

CERTIFICATE OF SERVICE

I do hereby certify that on March 14, 2019, I electronically filed the foregoing pleading with the Clerk of the Court for the U.S. District Court, Northern District of Texas, using the electronic case-filing system of the Court. The electronic case-filing system sent a “Notice of Electronic Filing” to the following attorney of record, who consented in writing to accept this Notice as service of the document by electronic means:

David A. Schulman
1801 E. 51st. Street, Ste 365474
Austin, Texas 78723

s/ Jessica Manojlovich
JESSICA MANOJLOVICH
Assistant Attorney General